

STATE OF CONNECTICUT

IN RE APPLICATION BY ST. MARY'S	:	OFFICE OF HEALTH CARE ACCESS
HEALTH SYSTEM, INC. and TENET	:	DOCKET NO. 13-31927-CON
HEALTHCARE CORPORATION FOR	:	
TRANSFER OF ASSETS	:	OFFICE OF THE ATTORNEY GENERAL
	:	DOCKET NO. 13-486-02
	:	
	:	

**RULING ON APPLICANTS' MOTION TO STRIKE INTERVENORS' TESTIMONY
OUTSIDE THE PARAMETERS OF OFFICE OF THE ATTORNEY GENERAL
AND OFFICE OF HEALTH CARE ACCESS' GRANTS OF INTERVENOR STATUS**

By motion dated November 4, 2014, the St. Mary's Health System, Inc. ("SMHS") and Tenet Healthcare Corporation ("Tenet") (together, the "Applicants") move to strike from the record the testimony of the Intervenor Massachusetts Nurses Association ("MNA") admitted into evidence at the hospital conversion hearing held on October 16, 2014, in connection with the Application By St. Mary's Health System, Inc. and Tenet Healthcare Corporation for Transfer of Assets (the "Application"), OAG Docket No. 13-486-2 and OHCA Docket No. 13-31927-CON.

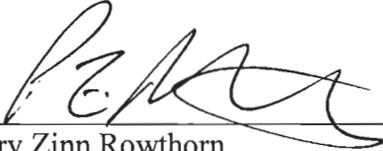
The Office of the Attorney General ("OAG") and the Department of Public Health, Office of Health Care Access ("OHCA") (together, the "State") hereby deny the Applicants' Motion to Strike the testimony of MNA.

While entitled a "Motion to Strike," Applicants motion states that Applicants "move that no weight be given to any written or verbal testimony presented on behalf of" MNA "that falls outside that which the Office of the Attorney General ("OAG") and the Office of Health Care Access ("OHCA") expressly defined as the limited scope of testimony CHCA and MNA could present in this proceeding..."

By a similar motion dated October 14, 2014, the Applicants also moved to preclude the submission of testimony of MNA that falls outside what the OAG and OHCA have expressly defined as the limited scope of testimony MNA may present in this proceeding. By a ruling issued by the State on October 15, 2014, the motion was denied. The ruling noted: "At the hearing, the Applicants will be provided an opportunity to argue the relative weight the State should give to the intervenor's testimony and to object to irrelevant questions presented in cross examination. In addition, the Applicants will have the opportunity to cross-examine the MNA and offer rebuttal evidence...." Applicants were given the opportunity to cross examine the intervenor and to offer rebuttal testimony. Applicants elected not do so.

The ruling further stated: "To the extent any testimony has relevancy or materiality issues, the hearing officers will weigh and consider those factors in assessing the testimony as part of their decision-making process." This statement remains true as to the testimony of the Intervenor as well as other witnesses including those presented by the Applicants.

Thus, the present motion repeats the same demands previously denied and presents no grounds to depart from the prior ruling. For the foregoing reasons, the motion to strike is denied.



Perry Zinn Rowthorn
Deputy Attorney General
Office of the Attorney General

11/10/14
Date



Kevin T. Hansted
Hearing Officer
Office of Health Care Access

11/10/14
Date